



NEWS OF VALUE

IT'S TIME FOR SWIMMING POOL SAFETY

On average 4,000 people, usually young children, drown each year in America. Another 5,000 children younger than age 14 are hospitalized due to water related accidents. Risk control and prevention are critical. USI strongly recommends the following measures to mitigate the liability exposures associated with swimming pool operation and maintenance.

Transfer Risks

Swimming pool operation and maintenance should be performed by an independent contractor rather than by association employees. This can transfer the primary risk from the association to the independent contractor, because the association generally cannot be held vicariously liable for the negligent acts of independent contractors or their employees.

Obtain a Certificate of Insurance and Include a Hold Harmless Clause

It is essential that the association have a Certificate of Insurance on file confirming that the contractor has appropriate insurance, including general liability, workers compensation, and automobile liability coverage. We generally suggest a minimum \$5,000,000 combined single general liability insurance limit for bodily injury and property damage with a \$5,000,000 annual aggregate limit. A single general liability policy or combination of a primary underlying and umbrella policies to achieve the suggested limits is acceptable. Policy limits should be provided to the full extent for the benefit of the association, or the contractor should be asked for a loss run for the current policy term to confirm that aggregate limits are not in jeopardy of being exhausted. The contract should include an indemnity clause with a "hold harmless agreement" in the association's favor including both indemnification and defense provisions, which requires the contractor to protect the association's interests against claims, suits, or other causes of action caused by or arising out of the contractor's work.

Review Your Rules and Distribute Them to Residents

Have both your insurance agent and attorney review your rules, and evaluate them periodically to address new concerns. Consider distributing the rules to all residents at the beginning of each season, post them at the pool, and publish reminders frequently in the association's newsletter, on the web site, and on bulletin boards.

Require Adult Supervision

Even in pools with lifeguards, proper parental supervision is required. In general, children ages 12 and younger should be supervised by parents or a responsible adult. Do not consider young children "drown proof" because they are wearing flotation devices or have taken swimming lessons.

Provide Layers of Protection

Adult supervision is just one facet of an approach known as "layers of protection," which is widely embraced by safety experts. Under layers of protection, the community association equips its pool with several devices to delay a child's unsupervised access or warn of a child's presence. Some of these layers—especially fences and self latching gates—may be required by state or local ordinances and the association's insurance carrier. Others simply make good sense, especially if your community is home to many children. Although adult supervision remains the best hedge against accidents, all these layers can help.

Fencing and gate latches. Install and maintain a childproof fence at least four feet high (five feet or more is often recommended) around the pool area. The fence should not have foot or handholds to make climbing easy or attractive, and placement of gate latches should be as high as reasonably possible to be out of reach of small children. All doors and gates leading to the pool area should open outward and be closed securely, limiting access by unsupervised children and locked when the pool is not in use.

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Safety cover. Cover the pool during off-hours with an impenetrable membrane that blocks access to the water. Only power safety covers should be used and should be a type that meets or exceeds the standards of the American Society for Testing and Materials (ASTM). Beware, however, that the primary purpose of a pool cover is to keep debris, not people, out of the water.

Fence gate alarm. Arm all gates and other entryways with an alarm that sounds when they are left open for a certain period of time.

Infrared detectors. Guard the perimeter with a wireless detection alarm that sounds whenever someone enters the pool area.

Pool alarms. Wire the pool with an alarm that sounds upon unauthorized, after-hours entrance into the water.

Rope float line and depths. Place a rope and float line across the pool, alerting swimmers to the border between the deep and shallow ends. To help pool users police themselves, clearly mark deep areas with a lifeline and written numerals on the sides of the pool.

Drains. Suction can cause injuries and prevent even an adult from surfacing. Make certain that appropriate drain covers are in place and the location of the electrical cut off switch for the pool pump is known and clearly marked.

Rescue equipment. Keep a throwing rope, life preserver, and shepherd's crook easily accessible.

Emergency information. Post CPR guidelines, a 911 reminder, and other phone numbers for emergency medical services prominently around the pool. Do not rely upon a wireless phone, which even if located might not have a charged battery or get reception when needed at the time of an emergency. Install a permanent poolside telephone in a clearly marked designated location to allow anyone to call for help in the event of an emergency.



[Follow the Rules](#)

As with layers of protection, local ordinances and codes should be referred to for more complete information, but in general, the following "rules" should be followed:

General behavior. Do not allow running, horseplay, glass bottles, or alcoholic beverages.

Lifeguards. For association swimming pools, insurance companies generally require a lifeguard on duty to enforce rules and regulations.

Weather. At the first sound of thunder or indication of lightning in the area, the pool and surrounding deck should be evacuated immediately.

Hygiene. To ensure healthy water quality, people must shower before they enter the pool. Children who are not potty-trained must wear swim diapers.

Food. Food and drinks should be allowed only in a cordoned-off area.

Adult supervision. Require parents or responsible adults to supervise children 12 and younger at all times.

[Get More Information](#)

The information contained herein is general in nature and by no means should be considered all inclusive. If you have any questions or need further information, please contact Steve Dickerson (703-205-8788 or Steve.Dickerson@usi.biz) or Theresa Melson (703-205-8753 or Theresa.Melson@usi.biz).